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[The President]

The amendments have been duly seconded. If the House has no objection, we will take these amendments as read and I shall put them to the House. I take it nobody has any objection. They are merely numerical."

Mr. C. RAMALINGA REDDI :—" They are numerical and numerous."

The hon. the PRESIDENT :—" The question before the House is whether the amendments consequent on the introduction of a new clause after clause 22, be passed and stand part of the Bill."

The motion was put and passed. The amendments were carried and allowed to stand part of the Bill.

There being no amendments to clauses Nos. 23 (old number) to 120 (inclusive), they were put, passed and allowed to stand part of the Bill.

Schedule I was then put, passed and added to the Bill.

The hon. Sir CHARLES TODHUNTER :—" May I now move, Sir, that further discussion of the Bill be adjourned till to-morrow in order that we may arrive at a satisfactory conclusion on the subject of clause 8 ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

## VI

### ELECTION OF MEMBERS TO THE MADRAS AND SOUTHERN MAHRATTA RAILWAY ADVISORY COMMITTEE.

The hon. the PRESIDENT :—" I have a small announcement to make before we take up the next item on the agenda, and that is, that the ballot papers for the election of Members to the Advisory Committee of the Madras and Southern Mahratta Railway will be distributed by the Secretary during the luncheon interval. The ballot box will be placed in the Secretary's room and will be at the disposal of voters between 5 and 6 p.m. to-day ; the result will be declared to-morrow. The nominations are—

Mr. V. Madhava Raja.

Mr. J. D. Samuel.

Mr. P. Siva Rao.

Mr. Sami Venkatachalam Chettiyar.

Mr. W. Vijiaraghava Mudaliyar."

## VII

### THE MADRAS IRRIGATION BILL.

The hon. Mr. C. P. Ramaswami Ayyar having been called upon to make the motion which stood against his name as the next item on the agenda, Rao Bahadur C. V. S. NARASIMHA RAJU rose and said :—" Mr. President, under Standing Order No. 34, I move that the consideration of this item on the agenda, viz., the motion of the hon. the Law Member regarding the Madras Irrigation Bill, be postponed till the first day of the next session."

The hon. the PRESIDENT :—" The hon. Member will have to wait until the motion has been made."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Under Standing Order No. 34, no notice is necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Until the House is seised of the business, no motion for adjournment can be made. Mr. President,



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I beg leave under the Standing Orders to introduce the Bill and I shall move that the Bill entitled 'The Madras Irrigation Bill' be read in Council."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I rise to a point of order, Sir. A motion for adjournment has been made by my hon. Friend, Mr. Narasimha Raju, under Standing Order No. 34. That rule provides for an item of the business being postponed. The item of the business to be taken up is the consideration of the Irrigation Bill. Until that motion is disposed of, I do not think that the hon. the Law Member can make his motion."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" On that, Mr. President, may I say a word? If the parliamentary precedents be consulted, they are clear to the following effect. I had anticipated a motion of this kind. At page 251 of the latest edition of May, you will find that it is only in the midst of a debate on a question that a Member may move that the meeting be adjourned. Adjournment cannot be granted (that is at page 282) for the purpose of obtaining a postponement of a matter like a legislative business standing on the notice paper. At page 283 it will be found that it is not regular to discuss the merits or the demerits of a Bill and ask for postponement for the purpose of withdrawal or postponement until the House has been formally seised of the business."

Mr. S. SATYAMURTI :—" May I say one word, Sir? We go to analogous provisions in other places only when there is no distinct provision in our own Standing Orders. If you will kindly turn to Standing Order No. 34, you will find this :

' A motion that any meeting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question but not so as to interrupt a speech. If the motion is carried, the meeting or business shall be adjourned or postponed accordingly . . . '

I suggest, therefore, Sir, that the words 'at any time' mean 'at any time', and, as a matter of fact, the hon. Member, Mr. Narasimha Raju, moved for the adjournment of the business before the Council at a time so as not to interrupt anybody's speech. I, therefore, submit, Sir, that the motion is properly made, and it is for you now, Sir, to allow a discussion on that. If on putting the motion to the House it is carried, the business will stand adjourned. That is my submission, Sir. May's Parliamentary Practice has nothing to do with this."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" On more than one occasion such an adjournment has been moved in this House."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" As a matter of precedent, Sir, when the Irrigation Bill of 1914 was attempted to be moved by the hon. Sir Alexander Cardew, a motion for adjournment of that business was moved by the hon. Mr. Sarma. Therefore, the hon. the Revenue Member had no opportunity of moving that question. There is that precedent, Sir. The motion was made and carried, before the Bill was introduced."

The hon. the PRESIDENT :—" The hon. Member might have given me some notice of his motion. It is obviously a very important point and cannot be disposed of at a moment's notice. The House will now adjourn for lunch and re-assemble at 2 o'clock, when I shall give my ruling on the point."



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Mr. C. V. VENKATARAMANA AYYANGAR :—“ I have also given notice of a motion for adjournment, Sir. That may also be considered.”

The hon. the PRESIDENT :—“ That will be considered after 2 o'clock.”

The House then adjourned for lunch.

#### After lunch (2 p.m.)

The hon. the PRESIDENT :—“ The points of order upon which I have to give a ruling are : (1) whether the motion that any business be adjourned can be moved under S.O. No. 34 before the meeting at which the motion is made has become seised of the business in question ; (2) whether in the particular case in question, namely, the introduction of the Madras Irrigation Bill of which due notice has been given by the hon. the Law Member, who was due to speak thereon at 1 p.m. to-day by leave of the President, the hon. Member, Mr. C. V. S. Narasimha Raju, had the right to make a motion under S.O. No. 34 so as to prevent the hon. the Law Member from making his speech introducing the Bill.

“ On the first point the hon. the Law Member contends that the answer, if parliamentary practice is to be followed, should be in the negative. It may be necessary to consider this point on some future occasion. But I do not think it arises now, because I consider, with reference to point (2), that the hon. Member, Mr. C. V. S. Narasimha Raju, had no right to make a motion so as to prevent the hon. the Law Member from beginning his intended speech. It is agreed on all hands that if the hon. the Law Member is once permitted to begin his speech, he has the right not to be interrupted until it is over by a motion under S.O. No. 34. Two hon. Members, the hon. the Law Member and Mr. C. V. S. Narasimha Raju, were on their feet at the same time, of whom the former had obtained the President's leave to speak next, and the latter had not, although by rising from his place he certainly intimated a desire to speak. Such a desire, in ordinary parliamentary phrase, is an *inchoate* desire until the Member who has risen has caught the Speaker's eye. I consider that of the two hon. Members the hon. the Law Member had obtained the right to speak first, and except on a point of order he had the right not to be interrupted by the hon. Member, Mr. Narasimha Raju. This ruling answers the points of order raised by the other hon. Members who took part in the same discussion.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, I realize that I am performing a very difficult task indeed in moving for leave to introduce the Irrigation Bill. I realize the circumstances which led to the rejection by a big majority of this House of the Bill which was introduced by my very eminent predecessor, the late Sir K. Srinivasa Ayyangar. Realizing those circumstances, I also realize that the Government have taken certain steps to overcome some of the difficulties which threatened and ultimately endangered the passage of that Bill through this House. It may be that all the difficulties which are confronting hon. Members have not been solved. It is perfectly true to say that the proceedings of the Irrigation Bill Committee which had been placed on the table of this House would disclose that on many matters the Government have not been able to adopt or accede to the demands made by that Committee ; for certain of those departures from the recommendations of this Committee the Government must assume responsibility, and for others they cannot, and those others are not unimportant. I may say that we have been obliged to follow the mandate of



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the Government of India in certain particulars. But these are matters which I shall develop later on.

"But let me assure this House that to any representation coming from any quarter of this House in the course of the passage of this Bill or any appeal from any vested interest—should I be so fortunate as to secure that particular stage in its destiny of passing through the Select Committee—to offer representations, the Government will bestow its most anxious consideration.

"Let me in the first place allude to that memorial, that very moderately expressed and convincing memorial presented yesterday by my hon. Friend, Dr. P. Subbarayan, on behalf of the landholders, an appeal which bears on its face the impress of the work of one of the acutest and the justest lawyers in the Presidency of Madras, Mr. S. Varadachariyar, to whom I shall take this opportunity of paying the tribute that he deserves. We found in him a just critic and a sagacious opponent and I could see both from the studied language and moderation of the memorial that Mr. Varadachariyar had presented, as he alone could present, a case with a cogency all his own. There are two or three points in that appeal which deserves and will receive very careful consideration at the hands of the Government. There are two points especially, which I shall have to advert to, later on on which differences of opinion are not only natural but also appropriate and which will receive careful consideration at the hands of the Government.

"Now after having said that I may say this: Why have I not acceded, as normally any Government anxious to introduce such a big and largely conceived legislation like this would accede, to the request of Mr. Narasimha Raju for the motion for adjournment?"

Rao Bahadur C. V. S. NARASIMHA RAJU:—"No motion was made."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I stand corrected. I meant the motion that was attempted to be made. I hope the House would kindly forgive that inaccuracy.

"Speaking on this matter in the year 1905, the Government of India said this. They were asked on that occasion for a large loan in regard to the Cauvery project, and what did the Government of India say? They said:

'The Government of India, as at present advised, are decidedly of opinion that legislation is necessary in Madras in order to secure to Government such power of control over the waters stored for irrigation as will enable it to make the best possible distribution thereof and to prevent embarrassing litigation, although they will be prepared to consider the present scheme when they have received a satisfactory reply. Even in the event of the sanction of the Secretary of State being accorded, they would be reluctant to authorize the commencing of construction until the irrigation law has been placed on a satisfactory state.'

They said this in 1905. We again approached them with regard to a large irrigation project in 1909. What did they say then? They said:

'I am to invite attention to the correspondence of the Government of India in which the Government of India have expressed their reluctance to authorize the commencing of construction of the Cauvery project until the irrigation law has been amplified so as to secure for the Government such power of control over water made available for irrigation at public expense as would enable the best possible distribution in the supply of water and to avoid embarrassing litigation. The Government will therefore not be able to recommend the undertaking of such a large and costly scheme as the Tungabhadra project until the necessary legislation has been made.'

"Similar statements were made in 1912, again in 1919. I may say that a similar statement was also made when I proceeded to Simla in connexion with another large project, the Metur project,

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and made an appeal to the Government of India. We feel that, whereas other provinces are stealing marches over us, we are behind them very much. What is the reason? Within the last two or three years, the Satlej project has practically reached fruition; the Sukkur project has been sanctioned; and such other projects have been taken up taking advantage of the limited amount of money available to them. We feel pessimistic about being able to get any money necessary for our large projects unless we are able to go and tell them, 'Your objections have been answered; your difficulties have been remedied; this Presidency is willing to place the Irrigation Law on a satisfactory basis.' It may be that among Members on this side of the House; or on the other side of the House, or within one side of the House, there might be differences as to details. But from my place here I will say this: that the Government is ultimately pledged to no more, but to no less, than this, namely, the principle that is enunciated by the Government of India, and they are pledged to this for the simple and obvious reason that unless they pledge themselves and they pledge this House to that principle they may not be able to carry out these schemes which are necessary, vitally necessary, to an agricultural population like ours. Whenever I come before this Council asking for grants for irrigation, I have met with generous response, and that is so because it is realized and justly realized that irrigation is the first and foremost duty of the State in this country. They realize that in an agricultural country, dry in many places as this Presidency is, without adequate facilities for irrigation, we shall not produce any prosperity. Let us for a moment think of the two large schemes which are before us. Take the great Sangameswaram scheme. This is in a somewhat inchoate stage, inchoate because His Exalted Highness the Nizam has to consent to certain pourparlers in order to put that scheme into execution. But if we have the means and that scheme is started, what does it mean? It means that it will be possible to traverse the greater part of Southern India, from the Kistna up to the Cooum, taking that project through some of the most arid and desolate parts of the Ceded Districts so as to make those districts a garden of vegetation instead of being the barren scene of conflicts between officials and famine conditions.

"Take again the Metur scheme. What will it mean? We have an extent of a quarter of a million acres which will become available for irrigation, and irrigation will be on the same lines as in the Cauvery delta. That region will be a garden whereas it is practically barren and desolate to-day. I have only recounted the two most important and largest schemes. There are tens, dozens, and hundreds of schemes awaiting development. Wherever we turn, we are handicapped by the lack of legislation, and it is for that reason that successful administrators have failed to achieve a solution of this problem of agricultural depression.

"As I said, what is the Government pledged to? The Government is pledged—again I repeat from my place here—pledged to no more than the maxim stated in that letter of the Government of India, and to no less. So long therefore as Government is able to inaugurate its great schemes so as to make it possible for these schemes to traverse proprietary and ryotwari tracts, so as to make it possible for the Government to see that the schemes pay their way with a proper perspective of the needs of the province, it is all that they are concerned with. In this connexion, it must be realized that these projects must be viewed from the point of view of the whole Presidency. It would not do to take a parochial view of one particular



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project considering whether that one pays or not. We must take a birds' eye view of all the irrigation projects and see that they are put on such a footing that they are able to pay their way and that the ideal should be the greatest good to the greatest number. The Government is not committed in the sense of being forced to embark on any new and indefensible system of taxation. They do not desire to confiscate. They have not embarked on any policy of taking away the existing rights of proprietary landholders. I am now reminded of the passage in one criticism which was made on this matter. I may say at once that I have received complaints that I have not given a full hearing to all of them. The newspaper *Swarajya* started by saying that I was going to placate zamindars because I have yielded to their blandishments and their undoubted influence. The next day, the same newspaper in connexion with the possibility of the further progress of this Bill, has said that the Ministers propose to support the Bill, that they have sold the zamindars and that the zamindars can no longer rely on the Ministers. It seems to me that when those two issues are read together, I can legitimately say that on the whole the path I have pursued is right. If to-day it is alleged I have yielded to the zamindars and to-morrow I am charged with something to the contrary, I think on the whole I have struck the right path. Now, I do not desire to pursue this matter. But I do desire to say that it has not been the desire of the Government, it has not been the object of myself or of anybody charged with the responsibility for this legislation to take away any rights or to trample upon any obligations that have been incurred. Attempts have been made to carry out the doctrines as far as possible laid down in the decisions on the mutual relations of the zamindars and the proprietors with the Government. We have been attempting in this respect to incorporate the very words of the Urlam decision. I realize that in a part of that memorial to which I have already adverted it has been said that what I have given by one hand is sought to be taken away by another. If that be so, there is nothing to prevent any attempt to bring into operation, all the decisions that to-day regulate and have sought to regulate the mutual relations between the zamindars and the Government.

"Now, then, after having said that, I must at the risk of appearing to be censorious say this: that I have with very great care perused many criticisms on this Bill. But what I cannot understand is the attitude on the part of the persons who are pledged to make such alliances as will defeat the Government and to enter into such combinations as will force the Government measures to be thrown out. To such Members of such a party and to all Members—here again the nominated Members are not at a discount—I earnestly appeal not to reject the Bill because of its present form and not to get consideration of this Bill postponed for a long time so as to enable people to express their views; because that is not a fair and just appraising of the work on this Bill. I plead for generosity of treatment in regard to this matter. It is not the object of this Bill to confiscate zamindari rights; it is not a Bill to take away any right of the ryotwari or the proprietary landholder. It may be that though animated with these objects we have imperfectly carried out those objects; it may be that we have not succeeded in giving effect to all the desires of the more forward and progressive Members of this House. If so, they have every chance, every opportunity to put forward their contentions in the Select Committee and in this House when it comes for full consideration.



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"Now, I am in one respect in a more fortunate position than that great lawyer who moved this Bill on the last occasion. I have the support of my hon. Colleagues, the Ministers, not a blind and unquestioning support, not a mere adherence for adherence's sake, but I have their support for the general principles of the Bill; they are critics of some of the details found there. Nevertheless, they are willing to concede to the root principle of this Bill and have this discussed. I have the support of many of the prominent Members and responsible men on the Opposition benches who also hold the view that an irrigation law is necessary and is absolutely inevitable and that unless that is done no agricultural progress is possible. Fortified by the support of my Colleagues to my right and of my Colleagues on the Opposite Bench, I approach this Council and ask them to consider this Bill with an eye to its principles and not to oppose for opposition sake.

"Now, let me consider another aspect of it, namely, the possibility of a long adjournment which has been adverted to in the newspaper *Swarajya*. Let me recall the work of that Committee, and in this connexion my zamindar friends will not mistake me if I say this: that I nominated zamindar after zamindar to serve on that Committee. For some reason or other, they could not and did not take active part in the deliberations of that Committee. But I must make an exception with regard to the Secretary of the Landholders' Association, Mr. Venkataranga Rao, who attended every sitting from the first to the last, and no more truculent and no more persevering critic could be found to some of its provisions than my respected friend Mr. Venkataranga Rao. But my hon. Friend opposite, the Raja of Ramnad, absented himself on more than one occasion. I asked my hon. Friend the Raja of Telaprole to attend. But he did not attend except once or twice; the Raja of Vizianagram asked the Diwan to attend on two occasions, and he finally presented me with a statement that this Bill was useless. Then I asked the Maharaja of Pithapur to attend. He said he could not. Whom else can I ask than these three considerable zamindars? They are the persons with the greatest stake in the country. I asked them to come and help to remedy the defects and to take away the difficulties found in the Bill. For some reason or other, they did not attend, but still I would implore them to take an interest in this Bill and put forward suggestions, constructive suggestions. I for one will welcome the day when they all will join to consolidate and put forward their contentions. And there is one thing more to be said on behalf of the zamindars. As I have already said, I have referred to my Friend Mr. Venkataranga Rao. Mr. Narasimha Raju, who is himself a large proprietor and who represents a zamindari constituency, was there from first to last."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I did not represent the zamindars there."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"He represents a constituency which is largely zamindari. Am I correct? (After a pause) My hon. Friend, Mr. Narasimha Raju, attended on every occasion, and I will indeed be failing in my duty if I were not to acknowledge that most of the changes that have been introduced into this Bill and most of the amendments that have been made have been his and his only. Now, if the zamindars feel aggrieved that more has not been done in order to assuage their fears, well, I must say at the risk of offending some of my hon. Friends who are here,



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that it is largely their fault. Because if they had attended we should have had that help that we have a right to expect.

"And, now, let me turn to another series of criticisms which have also a bearing on the issues on this subject. It has been said that riparian rights have not been safeguarded, that they have not been properly codified, and that no attention has been paid to them. May I remind this House that so far as the relation between the ryotwari holders in the ryotwari tracts and the Government is concerned, there is no difference between this Bill and Sir Srinivasa Ayyangar's Bill, and yet during the whole of this year no criticism has appeared until this Bill was published from the ryotwari holders or on behalf of any of them. Might I not therefore presume that what has escaped the vigilant and ceaseless attention of the representatives of these interests during all these twelve months might also have escaped the eye of the Law Member and his committee and his advisers? We may have omitted to bring forward provisions safeguarding all those interests. But what is there to prevent them from putting forward their case belated though it may be?

2-30 p.m. "Then to come to the application for adjournment of the Bill. In so far as this Bill is an alteration or modification of the last Bill it must be admitted that it is a modification in favour of the zamindars and not against. If there are any new points that have to be brought forward, the zamindars, the illustrious representatives of the hereditary aristocracy of the country, had the opportunity all these twelve months to bring forward. They cannot quarrel with me and say 'You have improved it in our favour; we want more time.' I humbly submit that an application for adjournment on that score does not look fair. If for twelve months they have not thought about these matters and put forward their suggestions, I cannot help it. Nobody can leave them out. The constitution of this House cannot leave them out. All I say is that the application for the adjournment of the consideration of this Bill is prompted neither by the desire to help the zamindars or the ryots. I must be pardoned for putting this case strongly. A mere blocking or obstructive application is a thing which I deprecate with all the strength I can command. Forgive me if I say that I cannot otherwise construe the application for long adjournment excepting on that basis. Because at the risk of repetition may I say this that the changes between the last Bill and the present one are changes in favour of the zamindars. So far as the old Bill was concerned their criticisms are writ large over the pages of newspapers, law journals, and other places. So far as the ryots are concerned they had a champion, a doughty champion, in Mr. Ramachandra Rao, and there may be points which he failed to press forward and which may yet come forward. All that I say is, there is yet time for further consideration. Therefore a mere adjournment for six months or three months is not a thing which can be called either a proper or reasonable request. Now I have already brought to the attention and notice of the House the reasons why the Government from time to time for over hundred years pressed forward that a scheme for placing the Irrigation Law on a sound basis was necessary. The two despatches of the Government of India make it clear as to what is at the bottom. This is practically the only Province in India where there is no Irrigation Law. You have got the Burma Act, the United Provinces Act, the Bengal Act, the Punjab Act and the Bombay Act. This is the only



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Province that has not got an Irrigation Law. We cannot blame the Government of India if they say that without codification of the rules we cannot sanction large sums because there may be chances of embarrassing litigation.

“Now, then, I have placed before the House a list of various projects which have been delayed or held up owing to the non-passage of the Irrigation Law. It is not only a complaint of the Government. In certain tracts the want of water is felt so much that the inhabitants of the locality concerned come forward and say to the Government, ‘We are willing to pay a higher water-rate than the normal and prevailing rate. Will you construct such and such irrigation project, so that you might bring relief and succour to this particular locality?’ Our answer has been ‘We cannot.’ Because it has been ruled by our legal advisers that such engagements bind only the immediate contracting parties and do not in legal language ‘run with the land.’ The result has been that where the inhabitants have been solicitous of progress of irrigation, we cannot make such agreements possible according to law. Such things are codified in this project of law. Mr. President, Members of this House will see the list of projects worked out on a productive basis which had to be held in abeyance on account of water-rates agreed to being higher than current ones. There are 30,000 acres which could have been cultivated but for want of water in the Ganjām district. In Kurnool there are 46,000 acres and so on and so on, until you come to a total of nearly two hundred thousand acres or one-fifth million of acres of land which cannot be cultivated and which cannot be brought within the range of water which is the prime necessity in the absence of Irrigation Law. It has been pointed out to me by my hon. Colleague on the right that in the Ganjām district alone there are 31,200 acres which cannot be brought under irrigation on account of the absence of such law. Moreover, I have pointed out in the list that there are larger irrigation projects which cannot be worked out without Irrigation Law. If the Metur project is carried out, 280,000 acres could be irrigated in the Tanjore district. Seven hundred and thirty-five thousand acres of first crop and 160,000 acres of second crop could be had in Kistna and Guntūr districts. The Tungabhadra project involves thirteen crores and it will bring about a million acres of wet crop. Is it therefore not a matter of prime and urgent importance that we should set our House in order to begin betimes and see that what has not been possible till now is made possible and see that this country realizes its great destiny as an agriculturist country? No one is more anxious to have industrial progress than myself. But let us conceive it as dependent upon the agricultural prosperity. The rest will come of its own accord. Shall we contemplate with equanimity the possible delay of a year more? Because so far as the present state of things are concerned, shall we not hope that we can go up to the Government of India before this Budget and ask them for funds for some of our bigger projects? We know Madras is the Cinderella of the provinces. The other provinces are nearer the throne of grace. Bombay and Calcutta can always get money and Madras cannot. Our voice is impotent. Other provinces are able to get more than ourselves. If we allow this Budget year also to pass before we approach the Government of India, then probably at the end of the year there may not be enough money for us and for another year we will have to wait. In any way, it may be said that the Bill may not be passed into law before the Budget year. At least we can tell all concerned that this House is committed to an Irrigation Law, and that it is perfectly prepared



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and ready to put on the statute some law for regulating the mutual rights of the zamindar and the tenant and the ryot on the one hand and the Government on the other.

"Now there is another class of criticism which I must refer to in passing. It is a criticism made by a very influential landholder of the southern districts for whom I have much respect. He begins his criticism with the observation that the Bill is a socialistic legislation. He says that the jurisdiction of the courts has been taken away in important questions. All that I can say is, if I am blamed as a socialist on the one side and a partisan of the aristocrats on the other, I do not know what I am. I am an advocate of the rights of each person being preserved intact and the interference of the Government coming in where it is necessary and not otherwise, that is, where it is not absolutely necessary. As for the jurisdiction of the courts, I may say this. In clause 90 of the Bill we have made a general provision that, save as excepted in certain specific sections, the jurisdiction of courts is not taken away. Supposing the Members of this House and the Select Committee come to the deliberate conclusion that in some of the seven or eight matters which are indicated and to which I have referred the jurisdiction of the court is to be restored, by all means do so. You will not have any insuperable objection from a lawyer of 20 years' standing regarding jurisdiction of courts. His objection may be that where courts cannot adequately function, then alone should it be necessary to see that a rough and ready method should be arrived at. If it is strongly felt that the courts' jurisdiction should be restored or preserved, by all means do so. No one is committed to a policy of ousting the jurisdiction of courts. It must also be noticed that in clause 101 of this Bill there is a power reserved for the purpose of making rules on most of the matters on which the jurisdiction of the courts is taken away. For instance, take the very question of taxation. Let us turn to clause 101. What do we find? We find that 101 (f) says 'declaring the rates of water-cess leviable under this Act.' That is a matter which is subject to rules. Those rules have to be placed under sub-clause (3) of clause 101 before the Legislative Council for a period of not less than two months while the Council is in session. Therefore you will find that on many of the matters on which, for instance, the rights of the courts that function on these matters have been taken away those things have been embodied in rules which will be placed on the table of the House. The object of the framers has been to preserve the jurisdiction of the court in as many instances as possible, and, where there is no jurisdiction given to the courts, rules should be framed, which rules will be subject to the scrutiny of this House. Therefore there are two tribunals, the courts on the one hand and the House on the other. If it is thought that the courts will be more convenient method of fighting out these matters than the operation of these rules, by all means have them; they are matters which are not fundamental and are not of the very essence.

"Now let me run very briefly and very fast through some of the changes that have been suggested. They have all been summarized in the Statement of Objects and Reasons. In clause 6 an attempt has been made to exclude natural resources wholly situated in an estate. In the clause dealing with appropriation we have sought to embody the exact language of the Urlam decision. In clauses 12 to 15 we have sought to institute a record of rights wherever it was necessary. In clauses 16 and 17 we have provided



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for individual notices. Certain criticisms have proceeded on the footing that the Government were mainly or essentially or largely actuated by a desire to tax and that forthwith we shall perhaps under section 42 localise and commute into acreage and tax the zamindars to the extent to which their territories do not come within the purview of the operation of the rule. It was not the intention of the Government to make this primarily a taxation measure. It was the intention of the Government to make this a taxation enactment to this extent and no more. You cannot build large irrigation projects and you cannot bring into existence large schemes without borrowed capital and you must pay interest on borrowed capital. You must somehow provide for all these things and provide also for a comprehensive irrigation scheme for the whole Presidency. How are you going to do it?

2-45 p.m. “It is for this House and the Select Committee to consider what are the safeguards subject to which taxation may be levied and what ought to be done by way of furtherance of the object which animates the hon. Members of this House.”

The RAJA OF RAMNAD :—“In that case why should the existing works be brought in?”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“They cannot but be brought in for this reason. Suppose we take a large scheme on hand, say, the Kistna or the Tungabhadra scheme. There are certain works which are in existence in various zamindaris. Suppose they are to be brought into the large scheme. How else can we do it except by including the existing irrigation sources? Suppose you want to have a great dam. In a country like this we cannot have large schemes without going into the smaller entities or units and bringing them into line with the larger schemes. How else did our ancient kings construct their great schemes? If they could not enter into the territories or domains of zamindars for the purpose of constructing these works, how did they link districts to districts and bring about these great schemes? It is only that which is sought to be done here and nothing more.”

The RAJA OF RAMNAD :—“If the hon. Member is going to bring in the existing works, how is he going to get over the judicial decisions and the recognized rights of persons?”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“The answer to that is very simple. Apart from what may be called engineering or scientific equations, we do not propose to do anything else. That is, suppose you are entitled to certain things by judicial decision or by sannads, get them; and if I may again refer my hon. Friend, the Raja of Ramnad, to clause 64 he will see what the policy of the Act is. Compensation in such cases is to be provided in terms of water as far as possible. Where we cannot give the compensation in terms of water, where it is not practicable to do so, then we give compensation in money. The scheme of the Bill, therefore, is that we respect the existing rights and if existing rights have to be encroached upon for the sake of a larger scheme, we compensate. We do not take away a single item of right. Compensation in terms of water is the primary method and if we cannot compensate in water then we compensate in money. That is the object of clause 64 of the Bill.



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"Now it may be conceded that there is a great necessity for this Bill. Nobody wants to take State control unless it is absolutely necessary. But surely in a country of this kind it must be conceded that there is a great necessity for a certain amount of State control; because of the need for large storages of water and the avoidance of the great wastage that is taking place. For instance, the other day I was in Pondicherry negotiating with the French Government with regard to the Cauvery. We found that on pooling our reserves together we could save considerable amount of water and that we have been allowing the water run into waste because of small differences between us. It was my privilege to reduce some of the possibilities of friction and we came to a kind of effective arrangement. Each one of us realized that for want of harmony between the subordinate officials of this Government and the French Government a large amount of water was flowing to waste. It is because of these circumstances that in this country it is the primary responsibility of the Government as is also the duty of the people to see that water is not wasted into the sea but is utilized for the greatest good of the greatest number. The practice generally in other provinces has been summarised by the late Sir K. Srinivasa Ayyangar. The enquiries of a special officer for this purpose showed that whereas year after year other provinces are advancing and inaugurating great schemes, we, on account of circumstances financial or otherwise, have not been able to do anything. I confidently hope and trust that that reproach will not be levelled against us any longer.

"Now there is another set of criticisms to this Bill, and that is with regard to the compulsory labour clause. It is assumed that I have somehow made it obligatory upon one to do a certain work which has not been obligatory before under the Act of 1858. But I took away the distinction between the labouring and other classes, because it seemed to me, if I may say so, that that is the most wholesome provision of this Bill. That invidious distinction between the labouring and other classes for the purpose of kudimaramath and other works is now sought to be taken away. But if hon. Members want to go back to the language of the Act of 1858 and have the labouring classes, by all means let them do so. But I assure hon. Members of this House that no startling change has been attempted between the last Bill of 1858 and this present Bill. We have merely sought to codify the existing law with one exception.

"Then there was criticism with regard to percolation and so on. It is impossible for me, on account of the convention of absolute confidential character that exists with regard to the communications between this Government and the Government of India, to deal at length on this matter. But I can say there are many points on which we do not see exactly eye to eye with the Government of India. If on certain points this House expresses itself unequivocally, we will consider them carefully and we will press on behalf of the Council to the Government of India to see that certain features in regard to which this Government itself is rather doubtful are eliminated or included as the case may be.

"I do not propose at this stage to traverse through the various sections of the Bill; nor would hon. Members thank me if I were to do so. But I would say this; that in the main four root ideas have been at the bottom of this Bill. We have sought in the first place to consult every



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interest concerned in agricultural operations. In the second place, we have realized that compensation in water should be given where possible. Thirdly, we have sought in all cases where the jurisdiction of the courts is practicable, to bring them in. We have sought moreover to follow the decision of courts as far as they can be followed and we have not sought to take away any rights. If it is proved that the intention or the result of the Bill is to confiscate any vested interests, then all that I can say is that the Government do not propose to confiscate any existing rights and will see that the rights are preserved to this extent, namely, that where those rights conflict with the rights of the State which has to control and regulate distribution of water for the greatest good of the greatest number, then the private rights may have to be compensated for but they will not be confiscated. I am perfectly willing to take hon. Members through the various clauses of the Bill but I do not propose to do so now except in a very cursory fashion.

“Turning to clause 7, the objection that has been raised is to existing irrigation and drainage. That has been put forward in that memorial to which I have alluded and that objection has again been put forward by the Raja of Ramnad. Then under section 11 the objection has been raised that we have not made any provision for riparian rights. There has been a comprehensive criticism that various sections have taken away the jurisdiction of courts. As to all these matters, I would only say that I am recommending this Bill as a sketch. Let us all work at it so as to make of it a useful resultant. I am not wedded to one form or another or to one particular solution of the difficulty or another. Let us take it as a beginning and make of it a finished product and let us see that the reproach that has been levelled against us is removed.”

The hon. the RAJA OF KOLLENGODE:—“I beg to second the motion.”

Rao Bahadur C. V. S. NARASIMHA RAJU:—“Mr. President, Sir, I propose under Standing Order 34 that the consideration of this Bill be postponed till the first sitting in March.”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“My difficulty is that we may meet about the 4th March for financial consideration and practically the whole of the month we will be engaged with it. With the leave of my hon. Friend and with the leave of the President, may I say this: It is not my intention to hurry this matter. I realize the complexity of the interests involved. I realize the interdependence of the many interests in this matter and I do not propose to hurry the matter in the Select Committee. I will give an undertaking, if my hon. Friend wants it, that the first meeting of the Select Committee will not be held until the end of March and meanwhile I will have the Bill translated into Tamil, Telugu, Malayalam, Oriya, Tulu and all other vernaculars. I will give a further undertaking that I will allow counsel to appear on behalf of every interest.”

Rao Bahadur C. V. S. NARASIMHA RAJU:—“Mr. President, what the hon. the Law Member says is that we all want an Irrigation Bill. If he wants to commit this House that we are all seriously in favour of an Irrigation Bill, the best method for him to do is to table a Resolution and make us unanimously accept it, that we want a Bill of that nature. But my difficulty now is that in various quarters it is felt that this Bill which is now put forward in this House has not been sufficiently before the public.



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Sir, we the representatives here are expected to focus or reflect public opinion on a matter like this.

“It is a measure proposed to deal with vested interests. It is a measure that deals with taxation to a very great extent. An assurance has been given by the hon. the Law Member that he does not want in any way to affect the vested rights. It is also said that this measure shall not be treated as a taxation measure, and that there is no idea of raising additional fines than what is to be raised under the Irrigation Cess Act. These are the two assurances which he has given and I am glad that he has given them. But he has himself furnished sufficient grounds to this House why the further consideration of this Bill should be adjourned. It is stated that *Swarajya* said on the first day after it saw this Bill, that the hon. Member in charge had shaped the Bill in such a way as to placate the opinion of the Zamindars. It is said that one important critic of this House called the measure a socialistic measure. It is possible for every one who has given a first reading to this Bill to frame such contradictory views. An eminent lawyer of Madras with whom I held a conversation told me that after a ten hours' reading given by him to this Bill—he said that 50 per cent of his cases were on irrigation matters—it was very difficult for him to understand its provisions. I think it is admitted that this Bill has not appeared in the vernaculars of the province. It deals with 80 per cent of the population and they have got the right to express their views on it. I think that in an important matter like this, it would be better for the Government to receive the views of the people. That is why I have brought forward this motion that the consideration of this measure be postponed till the 1st day in March. I do not think the hon. the Law Member can say that this is obstructive tactics. My only plea is that the Bill has not been before the public for a sufficiently long time to focus their opinion on the merits of the Bill.

“It has been said that the first Bill which was introduced in this Council and which was rejected by it was before the public for nearly twelve months. When the first Bill was rejected by this House, the public knew that it was not acceptable to this House. For one like myself who himself has laboured in Committees, all that I can say is that the Bill has been presented with a new cult. Whether this new cult is to be accepted by the public as well as the House remains to be seen. I can submit one fact and that is that the way in which this Bill is now submitted is quite different from the way in which the previous Bill was submitted. The main principles in the previous Bill are also embodied here and they shall not be interfered with. The hon. the Law Member said that he wants an Irrigation law giving control to the Government over certain waters as in the terms of the Government of India Resolution, but all that is not to be found in the Bill. That is the only assurance given by him and we want to go into the merits of the Bill.

“The next point at issue is whether the main principles of the Bill as they are found in the Bill are to be controverted in the Council or whether they have to go to the Select Committee. I do not think there is any provision in the Standing Orders to allow the main principles of the Bill being controverted in the Select Committee. Sir, it has been said that the ryots' criticism is not before the Government or that it has been presented to the Government in the Committee stage. An eminent ex-member of this



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interest concerned in agricultural operations. In the second place, we have realized that compensation in water should be given where possible. Thirdly, we have sought in all cases where the jurisdiction of the courts is practicable, to bring them in. We have sought moreover to follow the decision of courts as far as they can be followed and we have not sought to take away any rights. If it is proved that the intention or the result of the Bill is to confiscate any vested interests, then all that I can say is that the Government do not propose to confiscate any existing rights and will see that the rights are preserved to this extent, namely, that where those rights conflict with the rights of the State which has to control and regulate distribution of water for the greatest good of the greatest number, then the private rights may have to be compensated for but they will not be confiscated. I am perfectly willing to take hon. Members through the various clauses of the Bill but I do not propose to do so now except in a very cursory fashion.

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The hon. the RAJA OF KOLLENGODE:—“I beg to second the motion.”

Rao Bahadur C. V. S. NARASIMHA RAJU:—“Mr. President, Sir, I propose under Standing Order 34 that the consideration of this Bill be postponed till the first sitting in March.”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“My difficulty is that we may meet about the 4th March for financial consideration and practically the whole of the month we will be engaged with it. With the leave of my hon. Friend and with the leave of the President, may I say this: It is not my intention to hurry this matter. I realize the complexity of the interests involved. I realize the interdependence of the many interests in this matter and I do not propose to hurry the matter in the Select Committee. I will give an undertaking, if my hon. Friend wants it, that the first meeting of the Select Committee will not be held until the end of March and meanwhile I will have the Bill translated into Tamil, Telugu, Malayalam, Oriya, Tulu and all other vernaculars. I will give a further undertaking that I will allow counsel to appear on behalf of every interest.”

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Mr. C. V. VENKATARAMANA AYYANGAR:—"I have great pleasure in seconding this motion. I am one of those who think that the Bill should be introduced very soon and I am one of those who would prefer any Bill to no Bill. We have to take into consideration some points which the hon. the Law Member referred to yesterday when he was making some references to nominated Members. I appeal to every one not to ignore the non-English-knowing Members. There is a large number of Members who do not know English" (laughter).

3.15 p.m.

Rao Sahib P. V. GOPALAN:—"Sir, among the nominated Members there is only one who does not know English."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I am referring to hon. Members as a whole. I did not want to make a distinction between elected Members and the nominated Members. I refer to all the Members elected as well as nominated, official as well as non-official" (laughter).

Mr. M. RATNASWAMI:—"On a point of order, Sir, may I know whether there are any official Members who do not know English?" (laughter).

Mr. C. V. VENKATARAMANA AYYANGAR:—"This is not a point of order, Sir. When I said 'official Members' I wanted to take hon. Members as a whole without excluding anybody. I said elected or nominated, official or non-official or ex officio, etc., etc., Members of this Council. And I do so now, Sir. There is a large number of Members who cannot be expected to know English so well as to be able to go through the volume of literature that is being placed in our hands during the last two or three days. I do not see there is any disparagement in not knowing English, as some people seem to think. It is not an insult if you are told that you do not know English. I wish I did not know English (laughter). Anyhow we represent here the masses who do not know English and we have to go and appeal to them. Well, Sir, I do not know whether the Bill has been published in any vernacular. If not, how do you expect those Members who do not know sufficient English to understand the provisions of the Bill, and help us to come to some conclusion on it. Are we going to ignore those Members? There are a fairly large number of them as I have already told you.

"I am one of those who sincerely desire that this Bill should be introduced as early as possible, and not merely introduced but passed. Therefore I want to disarm opposition as much as possible. There is already a good deal of opposition and why should we unnecessarily increase it?

"The hon. the Law Member said that the Select Committee would not sit before April. With the passing of the present amendment the Committee may sit in March. The hon. the Law Member made a speech even before the proposition was properly proposed. He suggested that the whole of March would be occupied with the Budget. We have got the programme before us which you have been very kind to send us. We see from that that between the 8th and the 17th of March there is absolutely no Budget discussion. And therefore can you not go on with the Bill during that time? Where is the harm?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, what about the Budget Resolutions? What about the preparations to meet them? Are the hon. Members going to forego the right of moving Budget Resolutions?"



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Mr C. V. VENKATARAMANA AYYANGAR :—" Sir, I still do not understand his argument. Between the 8th and the 17th of March there are, to be very correct, eight days. . . ."

The hon. the PRESIDENT :—" I think I may come to the rescue of the hon. the Law Member. It is a fact that there are eight days, but they are days on which everybody will be busy. Everybody will be immersed in the business of Budget motions, either preparing them or else planning to resist them. It is not a time available for business of the kind before us."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, so far as I am concerned, I will point out that we have the 30th and the 31st when there will be no Budget fear, and the Budget ghost would have disappeared from the Council Chamber. There is absolutely no reason however why we should not have the 1st and 2nd of April. All that we are concerned is that we want time so that this Bill may be published in the vernaculars, and that all of us might go through all its provisions. Otherwise we would be giving a weapon to the enemies of the Bill who would say that the Bill was rushed through the House in a hurry.

" Again, it is not known exactly what recommendations of the non-official Committee were accepted by Government and what not. It was expected that the Government would issue a communiqué. It will be more useful if such a statement is prepared."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I have placed the proceedings on the table of the House, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR :—" That contains the proceedings of the meetings; the number of days we met, the number of recommendations made, etc. But I want to know matters of this kind: it was once suggested that if any natural tank was in a zamindari estate it would not be taken possession of by Government, but if it was in a ryotwari estate it might be taken possession of. It would be well if the various recommendations of the Committee are published with a note as to which have been and which have not been accepted by the hon. the Law Member or by the higher authority, the Government of India. There is absolutely nothing lost in giving some time.

" I understand that some Members are determined to oppose the Bill if the adjournment is not given. There will also be a number of people who will think that the Government have some ulterior object in rushing this Bill through. The correct course will be to publish the Bill in the vernaculars for the sake of the public at large, give them time to raise their objections and make their representations, and thus disarm opposition. Otherwise it would be jeopardising the whole Bill. I beg the hon. the Law Member to consider whether in spite of his determination it is not desirable to give some time and adjourn the consideration of the Bill. He will also have the satisfaction of introducing it before the end of March so that he might arrange for some loans from the Government of India. I appeal to the hon. the Law Member and other Members to vote for the adjournment so that we might have some day in March which is convenient to the Members of the Council.

" Again, there is no use of saying that representations can be made before the Select Committee. The members of the Select Committee are expected



[Mr. C. V. Venkataramana Ayyangar] [6th February 1924]

to be guided by the discussions in this House at the time of the introduction of the Bill. All useful and legitimate arguments from English-knowing and non-English-knowing Members must be available to the Select Committee. While I am one of those who are anxious that some Bill in preference to no Bill should be introduced, I want to disarm opposition as much as possible both inside and outside this House. With these words I beg to second the motion."

(The hon. the President then read the amendment.)

Mr. C. V. S. NARASIMHA RAJU :—" It is to be taken in the first meeting in March, Sir."

The hon. the PRESIDENT :—" That is, the hon. Member intends that it should be taken up on some day in March, other than the days appointed for the discussion of the Budget. Discussion will now proceed on this motion."

Rao Sahib K. V. RAMACHARI :—" Mr. President, Sir, I beg to move that if any adjournment is given, it must be for at least six months. The provisions of the Bill were known only very recently. It would take some time to translate the Bill and publish it in the papers. March is very near to us; there are only about 25 days before us. It will take a longer time to make the provisions of the Bill well known to the people, in whose interests it is said to be brought into the Council. The subject has been under discussion for the past so many years, and nothing will be lost by giving six months' time."

Mr. M. RATNASWAMI :—" On a point of order, Sir. Does not a motion for the postponement of a Bill for six months amount to a rejection of the Bill? It is hardly an amendment."

The hon. the PRESIDENT :—" This is simply a motion under Standing Order No. 34. It is just like Mr. C. V. S. Narasimha Raju's motion."

Mr. M. RATNASWAMI :—" Adjournment for six months, Sir? "

The hon. the PRESIDENT :—" Yes, it is a motion to the effect that the business be adjourned or postponed."

Rao Sahib K. V. RAMACHARI :—" The Government have been considering this subject for many years and they are not going to lose anything by granting six months more. It is also said that the Bill is intended for the people.

" We, the representatives of the people, come forward and say that we want an adjournment for six months so that we can go through the provisions of the Bill carefully and suggest suitable amendments.

3-30 p.m.

" I will now make certain observations with regard to certain provisions of the Bill. The Bill provides for the control of important irrigation works. It perpetuates the system of taxation by Government without an effective control by the representatives of the people. It gives very extraordinary powers to the subordinate officers of Government. Besides, there are other provisions which are highly injurious to the interests of the people. There is also clause 6 which contains every insidious provision."

Sriman SASIBHUSHANA RATH Mahasayo :—" Are these observations about the contents of the Bill relevant to the motion for adjournment, Sir? "



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The hon. the PRESIDENT :—“ I am sure the hon. Member will bear that in mind.”

Rao Sahib K. V. RAMACHARI :—“ Even a slight alteration in the course of a water work will enable the officials to increase the water-rate and it cannot be set right by safeguards. For these reasons I request the hon. the Law Member to postpone the First Reading of this Bill for six months.”

Mr. M. GANGARAZU :—“ I second the motion, Sir.”

The hon. the PRESIDENT :—“ The motion made by the hon. Member Mr. Ramachari is that the consideration of this Bill be postponed for six months. The House will probably agree with me that the discussion had better proceed on these alternative motions for postponement. At the end of the discussion each motion will be voted upon separately, first, the one for postponement for six months and then the motion for adjournment to the beginning of March.”

Mr. J. A. SALDANHA :—“ Mr. President, evidently this Bill does not appear to be a party measure. For, I find that there is difference of opinion among the Ministerialists as also among the Opposition. Having regard to this, I am sorry that I shall differ from the leader of my own party and from the Secretary or the Whip of my party. (Mr. Kesava Pillai: Hear, hear.) I must give expression to my independent opinion on this Bill. I for one accept the principles of the Bill as a whole. I have carefully read the whole of the Bill and also the various Acts which are in force in the other provinces in the matter of irrigation projects, etc. Practically every province in India has got its Irrigation Act. There is firstly, Mr. President, the Bengal Act of 1871, then the Northern India Canal and Irrigation Act of 1873 which is the oldest of our Acts on the Indian Statute Book, and then there is the Bombay Irrigation Act. There is also the Burma Act, and, further, there is the Act of 1920 on Minor Irrigation Works which was passed in the United Provinces. So we have got five different Acts in India dealing with the subject. Reading through the provisions of this Act carefully I find that they are not more drastic than the Acts of other provinces. I find that the Madras Act is not only much more comprehensive and animated by greater consideration for the rights of the people than all the other Acts, but it safeguards the interests of the higher landholders, the zamindars. I find that in the different Acts which are in force in the other provinces, there is absolutely no distinction made between the waters that are and that are not wholly situated within an estate. In fact, all the waters in the other provinces, whether they are situated in a zamindari estate or not, are brought under the control of the Government and are subject to certain drastic provisions which make it highly detrimental to their rights. So, taking our Bill as a whole, I find it in principle quite acceptable. Suppose there are a number of provisions in the Bill open to criticism, the best course I will adopt will be to bring in a number of amendments to those provisions. That should not be done at this stage. The objectionable provisions can be considered at the Committee stage and suitable amendments brought forward. Even if hon. Members have not been able to study the Bill very carefully and note all the provisions that are open to criticism, they have ample time to do so after it is introduced.



[Mr. J. A. Saldanha]

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This Bill will then be translated and there will be ample time for all classes of the people in the province to go through the Bill carefully and put forth their objections before the Select Committee. I am sure, Mr. President, the Select Committee will be a large one representing all classes of interests and all the districts. I hope South Kanara and Malabar will not be neglected as is usually done. Having regard to the assurance given by the hon. the Law Member that representatives of all interests will be included in the Select Committee and that the Bill will be translated into all the vernaculars of the province to be considered and digested by all classes, I feel that this motion for postponement is an ill-considered one and should not be supported.

“Further, I wonder how, by the 4th March, this Bill can be translated, printed and published in the *Gazette*. If there are Members in this Council who cannot read all the literature on the subject, the question is whether Government are in a position to translate all the literature before them. All that could be done is, I believe, to translate the Bill with the Statement of Objects and Reasons. I am sure except one or two hon. Members in this Council, the hon. Members are able to study and understand the Bill. At the present stage, if one or two are not able to fully understand the provisions of the Bill, perhaps the hon. Members will find it convenient to get them translated and placed before them at an early date. But I doubt very much whether such translations could be had before the 4th March. There would have been some sense in adjourning the consideration of the Bill till after the mid-summer holidays, because by that time it could be translated. But to put off the Bill for six months would be simple waste of time and money. We have come all the way to Madras for the consideration of this Bill, upsetting our programmes and calculations. Much time has been wasted already by the postponement of the earlier meeting. For these reasons I would urge upon the hon. Members to let this Bill pass the First Reading and be referred to a Select Committee.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“Mr. President, Sir, I am indebted to the hon. Member who spoke last for certain remarks of his which have cleared the atmosphere. My hon. Friend, the Member from Madura, has asked for an adjournment for six months. I understand that he would take me for a poor advocate of my case if I did not convince the hon. Members of this House that I am a keen debater. I must say that unless we make a move on, we cannot approach the Government of India before this Budget Session without this Irrigation law which is on the anvil. If I have not convinced hon. Members of this House about the urgency for a measure of this kind, then indeed I have failed in my advocacy. I would simply say this: that an adjournment for six months would, in my view—and, let me not be taken to be unmerciful or too cynical or pessimistic—be tantamount to a rejection of the Bill.

“Let me, on the other hand, turn to what is *prima facie* a much more moderate and reasonable proposal of my hon. Friend, Mr. Narasimharaju—indeed most of his proposals are generally reasonable—(Mr. C. V. Venkataramana Ayyangar: Hear, hear), (Laughter)—that there should be an adjournment only up to 1st of March. Let us for a moment analyse why that proposal for adjournment is made. The adjournment is asked for in order that the public may familiarize themselves with the Bill and the



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literature that has clustered round it. One of my valued Friends, the hon. Member from Coimbatore, spoke feelingly of those Members of the House who had not the advantage of an acquaintance with English. If they have not got an acquaintance with English, how are they going to take part in the debate and master the literature connected with the Bill? How is it to be translated between now and the first of March and made available for them? (Hear, hear.)

"Well, Sir, I hear an interruption 'hear, hear'. That interruption means either that the adjournment up to the 1st of March is of no avail or it may mean that an adjournment for six months or a year, as is indicated in the present motion, is desirable. ('Hear, hear', probably from Mr. Satyamurti.) I expected nothing else from my hon. Friend who intimately and perpetually allies himself with such Members of the House as would give him the advantage of that alliance. To see that the Government does not pass this measure is his programme. And if it suits his programme to see that this Bill should be adjourned for 20 years because it would take 20 years for all the 47 millions of people to be acquainted with the purpose or the objects of this Bill . . ."

Mr. S. SATYAMURTI :—"Sir, I must not be supposed to suggest anything so absurd."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, let me resume what I was saying. But if I have offended the hon. Member for the University, let me apologise to him, and it is my duty to do so (Hear, hear). In regard to the motion, let me say this. My object is to show that this adjournment up to the 1st of March will not be very useful if the adjournment is asked for the purpose of familiarizing the people or the public of this Presidency with the literature that has gathered round this measure. The effect of the adjournment really is that, excepting for the purpose of enlightening certain persons who are not acquainted with the English language in this House and their getting to know all the provisions of this Bill, it would not serve any useful purpose. I say also that I am not committed to aught save that paramount principle which I have pleaded for. If that principle is conceded, I am prepared to have every other matter subjected to scrutiny in the Select Committee. I say so as a Member of the Government, and precedents are not uncommon where even matters of principle which are contested are opened for discussion in the Select Committee. I hope that will satisfy the requirements, and an adjournment of that character would not really serve any purpose from that point of view, while the earlier motion also would not serve the purpose—the one purpose which animates the Mover and, I am sure, all of us."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, it seems to me that no useful purpose will be served by the adjournment motion that is now before the House either for a month or for six months. If the Bill is allowed to go forward now and is sent to the Select Committee, the chances are that the Select Committee will not be able to submit its report to the Council before the commencement of the next Session, that is, somewhere I take it in the beginning of August, or it may be even in September. In any case, we shall have some six months from now before the time when the report of the Select Committee will come up before this Council for consideration. The Select Committee certainly has the power of examining witnesses and calling any person or persons whom it wants to examine and taking



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into consideration all points of view that may be placed before it by any person or persons whatsoever. I am sure that during the six months the Select Committee will be able to do its work completely and to the satisfaction of all persons interested in this Bill. The very arguments that have been advanced by some of my hon. Friends who are moving for adjournment, furnish ground for the conclusion that there is no need for the adjournment. In giving reasons for the adjournment, my hon. Friends were referring in detail to several clauses in the Bill. That itself shows that, so far as those clauses are concerned, they have studied the Bill very carefully. That, I thought, is an argument rather against the adjournment than for the adjournment. Then, again, drafts of Irrigation Bills in one form or other have been before the public for the last 18 years. The first Bill, I believe, was published in the year 1905, the next one was published in 1909 and there have been other Bills since then. No doubt, there have been differences between some of these Bills and the present Bill, but many provisions of all these Bills are the same, and if after 18 years the people of this Presidency have not been able to acquaint themselves with the main provisions of this draft Bill, I doubt whether an adjournment for 24 days or even for six months will enable them to study the provisions further. I perfectly agree with my hon. Friend, Mr. Venkataramana Ayyangar, in thinking that it is very essential that the Bill should be placed as an Act on the Statute Book as soon as possible. The result of our postponing this Bill will be that we shall not be able to place any law on irrigation on the Statute Book before, say, somewhere in 1925: it will not be possible for this Council to pass such an important measure as this even before the end of 1925. And, as I already submitted, if it is postponed only for a period of 24 days, practically no useful purpose will be served.

“Then again, there is this consideration which has already been referred to by the hon. the Law Member that many irrigation projects have been held up either for want of funds or for want of a law on the subject. I myself remember that when in 1905 in the Legislative Council, as it then existed, I moved for the construction of certain irrigation works in the district of Malabar, the reply that was given on behalf of the Government by Mr. Bradley, who I believe was then the Chief Secretary, was that there was no law enabling the Government to construct dams across the rivers and that the Government had no funds. The sooner the possibility of such arguments is got rid of, the better for the country. I spoke now only with reference to the district of Malabar, but what I said applies generally to the whole Presidency. Having regard to all these considerations, it seems to me that the sooner we take up this Bill for consideration, the better it will be for all concerned. The matter has been pending for a very long time—it seems to me for an unconscionably long time—for about twenty years. Let us not postpone this matter any further. For these reasons, I am for the immediate consideration of this Bill.”

Mr. R. VEERIAN :—“Sir, I am not at all in favour of the adjournment of this Bill. I have several sound and solid reasons why its introduction should not be postponed, and I am going to state them. Delay, I consider, is a dangerous thing, and we should take up the present opportunity given to us. If a student wants to pass his B.A. examination, he sits in his room, reads day and night, even after going to the doctor and taking medicines, crams the whole portion and passes his examination. So also, if a person has so much



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interest in the Bill, he ought to have gone through the Bill. And, Sir, if there are some who are not English-knowing gentlemen, they can approach the English-knowing gentlemen and with their help find out what the provisions of the Bill are and in that way they ought to have understood them. Now, as regards the time wanted, I doubt very much whether, even if we give two months or four months or two years, any good result will be produced. I am sure, Sir, that this is only a poor man's Bill. We want to see whether this Bill would do good to a great number of people. That is the test. Whatever motion may be brought forward here, there is a certain party which says, 'This is not right; that is not right; this is incorrect and that is also incorrect'. But I want to know from them, Sir, what is correct after all (laughter and cheers). But my worthy and hon. Friend, Mr. Venkataramana Ayyangar, said that there were many non-English-knowing gentlemen who would want to know the provisions of the Bill. But, Sir, to attain Swaraj several mass meetings are held for the benefit of persons who know only a vernacular, but I have heard the leaders at such meetings speaking only in English, and there they quietly pass resolutions to the effect that they want immediate Swaraj and that it should be given them at once. I want to know whether the whole audience present there understand the whole thing. Certainly not. If ignorance of English does not matter there, I do not see why it should matter here. For these reasons I oppose this motion."

Sriman BISWANATH DAS Mahasaya :—"Mr. President, Sir, I entirely agree with my hon. Friend from Vizagapatam to this extent. I was a Member of this hon. House in the last Council and when the Irrigation Bill was then introduced, it was generally spoken of by the Opposition as the poor man's Bill. We very much regret and deplore that that Irrigation Bill was thrown out by a very overwhelming majority of the House on grounds known to themselves. I see before me my hon. Friend, Mr. Muniswami Nayudu, and before whose advocacy of the rights of the zamindari tenants I bow down; he took that opportunity to plead that the Bill did not go far enough and we were opposing it on that score. I am sure that the present Bill itself is not perfect. No human measure is perfect, and the Bill is after all a human measure. The hon. the Law Member has done all he could to give an assurance to the House that he is prepared and willing to accept any reasonable amendment and that he is willing to give any reasonable time for the consideration of the Bill by the Select Committee. It may be that he is anxious to push through the Bill in the Select Committee soon, but the Select Committee may take its own time. It may take two, three, or even five months if necessary to ascertain the opinion of the people in the country. It is only a few days back that my hon. Friend from Kistna, Mr. Peddiraju, said that at an informal meeting of the ryots on the subject of irrigation several representations were made by the tenants. It is said that an assistant engineer got up and said, 'Look here, gentlemen, wait for the Irrigation Bill, and you will have all that you want'."

Mr. P. PEDDIRAJU :—"The said engineer stated that it was Mr. C. P. Ramaswami Ayyar's Bill."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I may at once say, Sir, that he was not authorized to say so."



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Sriman BISWANATH DAS Mahasayo (*cont.*) :—“ I stand corrected, Sir. It will not, therefore, be reasonable, or look well, if we at this stage  
 4 p.m. say that we want more time. Time we have had, probably amply. We have had 12 months before us to go through the provisions of the Bill. Then I find, Sir, that this Bill is quite different from the one that was introduced by the late lamented Sir K. Srinivasa Ayyangar. That Bill was rejected and the interest of the zamindari tenants was sacrificed, and mercilessly sacrificed, by a House which now claim that they represent the people. I am very sorry, Sir, and I am in fact weeping within me when I see that the Bill does not give all the protection needed to the zamindari tenants. To that extent I am very sorry to find that the interest of one-fifth of the population of this Presidency is sacrificed. There may be some reason in saying that you want an adjournment of the Bill for one month. But if you say that you want to have it adjourned for six months, then some other hon. Member will come forward and say that he wants an adjournment for ten months. There will be no end to such proposals for adjournment. I would appeal to the hon. Members to consider whether or not we should give our assent to this poor man's Bill being referred to the Select Committee. About details we might differ, but if we agree to consider the Bill now, we shall try our best to remedy the defects in the Select Committee. In the words of the hon. Member for Vizagapatam, I would appeal to this House to bear in mind that no law could be enacted unless we put our seal of approval upon it, and we cannot be expected to give our assent to it unless we approve of it. I would appeal to all the Members to consider well this question before giving their votes on this motion, and since it is not a party measure, no party is bound by any of its conventions. Therefore, I would appeal to individual Members of this House to consider well and cast their votes.”

Diwan Bahadur P. KESAVA PILLAI :—“ Sir, first of all, I beg to congratulate the House that it has a Member in the hon. Mr. C. P. Ramaswami Ayyar, who has made such a magnificent presentation of the Bill (hear, hear). After hearing him and of his solicitude to consult all interests and to hear all objections, that there should be any doubt in the minds of some hon. Members regarding the hon. the Law Member's correct attitude on this important measure is to be regretted. I oppose the motion of my hon. Friend, Mr. Narasimha Raju, as well as the motion of the hon. Member, Mr. Ramachari, for adjournment. If it is possible, the House should proceed at once to accept the introduction of the Bill and to allow it to go to the Select Committee stage. For the reasons already adduced by my hon. Friends from Ganjam and from South Kanara, it will serve no useful purpose to accept any adjournment that has been proposed. I would earnestly appeal to all my hon. Friends who are interested in the welfare of the Presidency, and especially to those of the dry districts, to reject both these motions.”

Mr. R. SRINIVASA AYYANGAR :—“ Mr. President, I feel constrained to oppose both the amendments before the House. A month's adjournment is practically pointless and is not likely to serve any useful purpose. Six months' adjournment seems to be futile, and there may be considerable danger, I apprehend, in holding up a Bill for a period of six months. As a Member of the old Council itself, I took some part in the discussion of that ill-fated Bill, and I can say without fear of contradiction that the majority of the Members of this House have acquainted themselves with the detailed



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provisions of the Bill. It is not necessary for me at this stage to enter into any detailed discussion of the merits or the demerits of the Bill in some of its important provisions and I propose to reserve my remarks for a future occasion. But, so far as the present motion is concerned, I venture to state that this motion is rather misconceived. Having regard to the attitude of the hon. the Law Member in the elaborate statements that he made that reasonable opportunities will be given and that all reasonable representations will receive due consideration, there is absolutely no reason why we should try to place an embargo upon the Bill at this stage. The hon. the Law Member told us that the Select Committee, whatever its complexion or constitution may be, is not likely to commence its labours till about the beginning of March. That means it will give plenty of time for various public bodies and private institutions and private gentlemen to meet together and settle their well-considered resolutions and pass them on to the Select Committee for their consideration. It would also be possible for us to make ourselves felt through the medium of the Select Committee which will be constituted. In my humble judgment, the Bill is long overdue, and the hon. the Law Member, after some correspondence with the Government of India, has after all thought it fit to place this Bill before the House at a belated stage, and, as such, we should not oppose the introduction of the Bill. In these circumstances, I feel constrained to oppose the motion for adjournment."

Mr. A. RANGANATHA MUDALIYAR:—“Sir, even on the last occasion, when the hon. Sir K. Srinivasa Ayyangar introduced the Irrigation Bill, I voted against its rejection. As one coming from the districts which are in urgent need of big irrigation schemes which have no chance of being initiated unless a measure of the kind now under discussion is enacted, I feel it my duty to give all the support I can for leave being granted for the introduction of this Bill (hear, hear). In saying so of course I am not committing myself to any acceptance of the details embodied in the Bill. I know there are some provisions in the Bill which are open to serious objection, but I do not despair of rectifying those defects either in the stage of the Select Committee or later on. I do not know whether hon. Members of this House who were sitting here last time are unaware of the fact of the introduction of some of the Bills in this House and of their emergence subsequently from the Select Committee beyond all recognition from the form they originally had. If that were possible in the case of some Bills, I do not see why we should now despair of bringing about reasonable changes in the Bill as now placed before us. So, Sir, I would appeal to the Members of all parties in this House not to treat this Bill as a party question as they did last time—very unfortunately as I think. I would appeal to them to take a broad view of the matter and to give leave only for the introduction of the Bill. I would also suggest to the hon. the Law Member to afford all facilities he can for representations being made in the Select Committee stage also. It may be that the ryots may not be able to present their objections by themselves, and they may have the necessity of invoking the aid of lawyers in presenting their points of view. I am asking him to permit representations being made by their vakils or agents. I think the hon. the Law Member is prepared to give us facilities in this way, and I do not see any reason why, after the statement that he has made, we should refuse leave for the introduction of the Bill at this stage. He has shown to us the urgency of the



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Bill and the need for its being introduced now. I do hope that the Council is not averse to the introduction of the Bill."

Mr. P. SIVA RAO :—" Mr. President, I have got the misfortune to differ from the hon. the Mover of this motion. I was a Member of the Irrigation Bill Select Committee. I was one of those who warmly advocated such a legislation. Now, Sir, it is undoubted that there is imperative necessity for such a legislation for our Presidency. We have been rightly characterized as backward in not possessing a legislation of this kind when almost every province boasts of it. The disabilities the Madras Government is labouring under for want of such a legislation have been lucidly pointed out by the hon. the Law Member. He has pointed out how the Government have been unable to finance big irrigation projects for want of financial help from the Government of India and how, before certain powers are reserved to the Local Government for the regulation of water in the land, no progressive schemes can be possible in this Presidency. It ought to convince anybody, Sir, that we ought to accept this legislation and see that it is carried as soon as possible. I was hesitating a good deal before I could make up my mind to reject the proposal of my hon. Friend Mr. Narasimha Raju. His was a very moderate demand. He asked for an adjournment by 24 days for the consideration of this Bill. But there is this obvious drawback to that motion as to whether 24 days will serve any useful purpose. As for the proposal of six months' adjournment, it savours of a proposal to reject the Bill. Now, Sir, when I say that the Bill is beneficial to the people and that it will be conducive to the greatest good of the people of our Presidency, let me guard myself against being construed as giving my support to the measure without any objection whatever. It is full of many objectionable features and it shall be the endeavour of the hon. Members who may be fortunate enough to serve in the Select Committee to weed out those objectionable features. We also regret to note, Sir, that some of the most important recommendations made by the last Committee have not been adopted by the Government for one reason or another. They may be excellent reasons so far as the Local Government is concerned, but we will strive our utmost to bring up those amendments for adoption by the Legislative Council when the time comes. On the patent defects of the Bill, I shall reserve my remarks for another occasion. Speaking on the adjournment motion, coming as I do from the famine zone of the Presidency, as one who feels the utmost need for the promotion of irrigation schemes such as the Tungabhadra project, which, I say, has tickled my ambition, by way of protecting us from the dire effects of famine from year to year, I will at once vote against this adjournment. Then, Sir, some of these provisions have to be examined in detail at the time of the Select Committee, and the hon. the Law Member has given us the undertaking, and very wisely too, that the Select Committee will not be arranged to sit before the Budget is over. It will thus take us to the first week of April and during these two months, you will have ample time for calling in representations. Probably, certain representatives of ryotwari and zamindari interests may be examined as witnesses before this Committee, and the Select Committee will bestow every possible consideration and do justice to all the interests involved in a measure of this kind.

" With these words, Sir, I oppose this motion."



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4-15 p.m. Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Sir, I was one of those who were for a short adjournment of the Bill when I entered the Council Chamber. But, after hearing the brilliant speech of the hon. the Law Member and the way in which he has been able to explain the change of heart between the Government now and that of last year, I have changed my mind, and I am convinced that no purpose will be served by adjourning the discussion on the introduction of this Bill at the present moment. He has, Sir, demonstrated the necessity for having this Bill introduced at once. He has said that it is only after introducing this Bill and informing the Government of India that the Council has taken the matter on hand in earnest that we can apply to them for funds. The funds are likely to be promised to other provinces. So, it is absolutely necessary that our application goes to them as early as possible.

“ Then, there is the other thing, viz., that by acceding to the introduction of this Bill, we will be considered to have accepted the main principles of the Bill. The difficulty of several Members was that they did not know what the exact main principles of the Bill were on which the Government insisted. Now, we have got the statement of the hon. the Law Member that he does not consider any matter in the present Bill as main principles which could not be altered in the Select Committee. He says it is only a framework in which anything can be put in by the Select Committee. That is what he has stated. On the basis of that statement, I think there is absolutely no difficulty for any of us to vote for the introduction of the Bill. As I said, regarding the necessity for going into the principles and seeing whether we agree to them or not, according to the hon. the Law Member, there are only two or three matters which he said were there, and therefore everything else can be changed in the Select Committee and afterwards in the Council. So, it is absolutely unnecessary to have further time for consideration of this matter. I think that everything that is necessary can be done either in the Select Committee or in the Council. For these reasons, I have changed my view for adjournment for a short time.

“ As for the Bill, I do not want to say anything now because only the adjournment motion is now before the House.”

Rao Bahadur O. TANIKACHALA CHETTIYAR :—“ Mr. President, Sir, I have been listening carefully to the reasons put forward in support of the application for the adjournment of the consideration of the motion made for the introduction of the Bill, and I see no valid reasons justifying the adjournment for a month or for six months. Unlike my hon. Friend from Bellary, Mr. Ranganatha Mudaliyar, I was one of those who opposed the introduction of another Bill last year about this time. That Bill was, I am very glad, rejected, and it had very good results. That Bill was conceived not only in the Secretariat but without consulting the various representatives of the people who might be interested from various points of view. But, since then, the rejection of that Bill has had a very good effect, if I may say so, upon the bureaucrat. For, once they thought fit to appoint a Committee not merely of Members of this House representing the various interests but also gentlemen who were not Members of this House, gentlemen who had vested interests which had to be safeguarded and others who were considered experts whose advice was considered useful in shaping the Bill. The Bill that is now presented, I am aware, does not contain all the recommendations that have been made by that Committee. But, at the same time, I am aware and I



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have a catalogue of the several deviations from the old Bill which are of importance and which have been desired by that Committee. That Committee sat in April and May, and, taking the old Bill as the basis of the discussion, it practically went over all the sections suggesting amendments. With those amendments before it, there was a further discussion which from time to time was postponed owing to the exigencies of election engagements of the various Members, with the result that it met only in November last. So, the Bill that is now presented to us, though failing to satisfy the desires of the several interests in some matters, has to a great extent gone to satisfy those desires. In these circumstances, on the ground that it has not been published in the vernacular languages, applying for adjournment for one month only will not secure to that Bill or to those interested in the Bill or in such a measure any great advantage. For, nobody who has suggested this adjournment has also suggested that the Government should within this interval reshape or alter the Bill so as to meet any criticism that might be urged between now and the next month. The object not being that, there is no harm done in considering the question whether leave should be given at this meeting. No useful purpose will be served by putting it off for one month or six months. As for six months' adjournment, as has been pointed out by the hon. Member in charge of the Bill, it might be for the consideration of the rejection of the Bill, and as for one month's adjournment there will be no useful purpose served at all. I find that he has given an assurance that he would not hurry up the stages of this Bill. Sufficient time will be given for publication in all the vernacular languages and for receiving representations from all persons interested inside this House and outside this House. It may be necessary to receive representations from lawyers. I think it would do well not to seek this adjournment.

“Moreover, there is one feature in the history of this Bill. A Select Committee, so to say, has sat over this Bill, which had a hand in shaping this Bill, though not every portion that was wanted to be altered has been properly dealt with. There will be another Select Committee consisting of Members of this House which contains a number of new Members. I expect a number of new Members who happen to have come into this Council to be included in the Select Committee whose advice it will be an advantage and a privilege to have in the shaping of this Bill in the Select Committee. I have no doubt that others outside the Council will give their evidence or suggestions as witnesses before the Select Committee. For these reasons, I do oppose the application for adjournment.”

Mr. C. RAMALINGA REDDI :—“I move for a closure.”

The hon. the PRESIDENT :—“I am not for putting the motion for closure just yet for this reason. There are two motions for adjournment before the House and I expect that Members opposed to the Bill will be ranged on the side of either of these motions. They are as it were a little stick and a big stick with which to beat the Bill. If hon. Members desire that the discussion should be continued after these motions have been disposed of, I have no objection, but ordinarily, I should say, the discussion of these adjournment motions should leave little room for prolonged discussion of the main motion in case they both fail.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“As a matter of fact, if I may venture to say, I shall be obliged to the various Members who have been



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giving their remarks at this stage on what they conceive to be the principles either obnoxious to them or in favour of them, so that it might guide me in further deliberations. What is voted upon now will be only the adjournment motions."

The hon. the PRESIDENT:—"In that case, I will put the motions for adjournment one by one."

At this stage, Rao Sahib K. V. Ramachari applied for leave to withdraw his motion, which was granted; the motion was accordingly by leave withdrawn.

Rao Bahadur C. V. S. Narasimha Raju's motion was then put and declared lost.

At the instance of Dr. P. Subbarayan a poll was taken with the following result:—

4-30 p.m.

*Ayes.*

- |  |                                     |
|--|-------------------------------------|
| 1. The Zamindar of Kurupam.              | 14. Mr. K. Koti Reddi.              |
| 2. Hony. Lt. Madurai.                    | 15. " P. Anjaneyulu.                |
| 3. Mr. P. N. Marthandam Pillai.          | 16. " M. Gangarazu.                 |
| 4. " P. C. Muttu Chettiyyar.             | 17. " S. Muttayya Mudaliyar.        |
| 5. " C. Ponnuswami Nayudu.               | 18. Dr. P. Subbarayan.              |
| 6. " K. Prabhakaran Tampan.              | 19. Mr. P. Peddiraju.               |
| 7. " P. T. Rajan.                        | 20. " M. Sitayya.                   |
| 8. " P. Sagaram.                         | 21. " M. R. Seturatnam Ayyar.       |
| 9. " K. Sarvarayudu.                     | 22. " C. V. Venkataramana Ayyangar. |
| 10. " Chavadi K. Subrahmanya Pillai.     | 23. " S. Satyamurti.                |
| 11. " C. Ramalinga Reddi.                | 24. " T. Adinarayana Chettiyyar.    |
| 12. Rao Bahadur C. V. S. Narasimha Raju. | 25. Rao Sahib U. Rama Rao.          |
| 13. Mr. A. Chidambara Nadar.             | 26. Mr. P. C. Venkatapati Raju.     |

*Noes.*

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|---|---|
| 1. The hon. Sir Charles Todhunter.          | 29. Rao Bahadur Cruz Fernandez.             |
| 2. " Sir Arthur Knapp.                      | 30. Rao Sahib P. V. Gopalan.                |
| 3. " Mr. C. P. Ramaswami Ayyar.             | 31. Mr. L. C. Guruswami.                    |
| 4. " the Raja of Kollengode.                | 32. " Mahabala Hegde.                       |
| 5. " the Raja of Panagal.                   | 33. Rao Bahadur K. Krishnaswami Nayudu.     |
| 6. " Rao Bahadur Sir A. P. Patro.           | 34. Mr. V. Madhava Raja.                    |
| 7. " Diwan Bahadur T. N. Sivagnanam Pillai. | 35. " B. Muniswami Nayudu.                  |
| 8. Mr. R. W. Davies.                        | 36. Rao Bahadur A. M. Murugappa Chettiyyar. |
| 9. " P. Hawkins.                            | 37. Mr. C. Muttayya Mudaliyar.              |
| 10. " E. W. Legh.                           | 38. " O. M. Narayanan Nambudripad.          |
| 11. " C. Madhavan Nayar.                    | 39. " B. Obalesappa.                        |
| 12. Dr. John Mathai.                        | 40. " K. S. Ponnuswami Pillai.              |
| 13. Mr. P. L. Moore.                        | 41. " G. Premayya.                          |
| 14. " G. F. Paddison.                       | 42. " P. S. Rajappa.                        |
| 15. " H. Tireman.                           | 43. " B. Ramachandra Reddi.                 |
| 16. " J. A. Davis.                          | 44. Rao Bahadur P. Raman.                   |
| 17. " A. J. Leech.                          | 45. Mr. A. Ramaswami Mudaliyar.             |
| 18. " C. Nicholson.                         | 46. " J. D. Samuel.                         |
| 19. " T. R. Venkatarama Sastriyar.          | 47. " K. Sarabha Reddi.                     |
| 20. " C. E. Wood.                           | 48. " K. Sitarama Reddi.                    |
| 21. " Ari Gowder.                           | 49. " R. Srinivasan.                        |
| 22. " S. Arpudaswami Udayar.                | 50. Diwan Bahadur P. Kesava Pillai.         |
| 23. " P. K. S. A. Arumuga Nadar.            | 51. Rao Bahadur C. Natesa Mudaliyar.        |
| 24. " A. V. Bhanoji Rao.                    | 52. " T. A. Ramalinga Chettiyyar.           |
| 25. " N. Devendrudu.                        | 53. " A. S. Krishna Rao Pantulu.            |
| 26. Sir P. Tyagaraya Chettiyyar.            | 54. Mr. P. Siva Rao.                        |
| 27. Rao Sahib S. Ellappa Chettiyyar.        | 55. Sriman Biswanath Das Mahasayo.          |
| 28. Rao Bahadur P. C. Ethirajulu Nayudu.    | 56. Rai Bahadur T. M. Narasimhacharlu.      |



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*Noes—cont.*

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| 57. Mr. V. C. Vellingiri Gounder.          | 73. Mr. Abbas Ali Khan.                         |
| 58. „ A. Ranganatha Mudaliyar.             | 74. „ Haji Abdulla Sahib.                       |
| 59. „ J. A. Saldanha.                      | 75. „ G. Abdulla Ghatala Sahib.                 |
| 60. Sriman Sasibhushana Rath Mahasayo.     | 76. „ Abdul Hye Sahib.                          |
| 61. Mr. R. Srinivasa Ayyangar.             | 77. „ V. Hamid Sultan Marakkayar.               |
| 62. Sir K. Venkatarreddi Nayudu.           | 78. Khan Bahadur P. Khalif-ul-lah Sahib.        |
| 63. Mr. P. V. S. Sundaramurti.             | 79. Mr. T. M. Moidu Sahib.                      |
| 64. Rao Sahib T. C. Tangavelu Pillai.      | 80. „ T. N. Bava Ravuttar Muhammad Sahib.       |
| 65. Rao Bahadur O. Tanikachala Chettiayar. | 81. Khan Sahib Saiyid Diwan Abdul Razaaq Sahib. |
| 66. Mr. K. Venkatachala Padayachi.         | 82. Mr. Munshi Abdul Wahab Sahib.               |
| 67. Rao Bahadur C. Venkataranga Reddi.     | 83. „ Muhammad Yahya Ali Sahib.                 |
| 68. Mr. M. Ratnaswami.                     |   |
| 69. Diwan Bahadur M. Krishnan Nayar.       |   |
| 70. Rao Sahib K. V. Ramachari.             |   |
| 71. Mr. W. Vijayaraghava Mudaliyar.        |   |
| 72. „ R. Veerian.                          |   |

*Neutral.*

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|-------------------------|--------------------------------|
| 1. Mr. C. Gopala Menon. | 3. Mr. C. Maruthavanam Pillai. |
| 2. The Raja of Ramnad.  | 4. Mr. G. Rameswara Rao.       |

*Ayes : 26.**Noes : 83.**Neutral : 4.*

The motion for adjournment was lost

The discussion on the motion of the hon. the Law Member that the Bill be read in Council was then resumed.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Mr. President, Sir, as I said already, I support the motion that is now before the House. There is no doubt whatever that the Irrigation Act has been a matter of great delay in this Presidency and it has been stated that other Presidencies which probably had not as much irrigation facilities as Madras have had their Acts long ago. But our Presidency in which the facilities are greater and the number of works that can be taken up is many more than in other Presidencies has had no Act hitherto. It is due, Sir, to want of, probably, proper understanding between the Government and the people. There was always some difference or other when the Irrigation Bill was projected in this Presidency and even last year the reason why that measure was not allowed even to be introduced was due to the fact that the Government took an unbending attitude and said that they were committed to more or less everything that was in the Bill. The speech that has been now made by the hon. the Law Member has shown that the Government does no longer take up the same unbending attitude, and are now prepared to yield and meet the people on their own ground : that is the change of attitude that has been taken. That augurs well for the fate of the present Bill.

“ Sir, the present Bill is not an ideal measure. A Bill prepared by the Government and introduced on a matter like irrigation in which there is any amount of room for difference of opinion between the people and the Government is not likely to be an ideal measure. Even when it goes before the Select Committee and emerges out of it, it is only going to be a compromise. So naturally in the present Bill there are several points which cannot commend themselves to the people, to the representatives of the people here. For instance, the question has been raised whether the statement of the rights of the Government made in sections 6 and 7 of the Bill is quite correct, whether that reproduces the actual right of the ryots with regard to



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the land in their possession. The very terms 'Government land' occurring in several places is objected to in some places and it is feared that in the use of that term some difficulties may arise in the future. Then the Bill omits a very important matter. It does not define the liabilities of the Government. It is very particular about the enunciation of the rights of the Government. It even claims more than what Government possesses at the present moment. But the Bill is almost silent with reference to the liabilities of the Government. For instance when the Government collects water-rates it is the duty of the Government to see that the sources and distributaries and other things are kept in proper repairs. There is no statement at all as to the liability of the Government with reference to keeping the sources of water-supply in proper repair. Then, Sir, there is this archaic provision about the compulsory labour. No doubt the hon. the Law Member has told us that he only reproduced what was in the former Bill but there is no reason whatever as to why they should be reproduced at all in the present Bill. Again with regard to the water-cess that has to be levied, there are some very inconvenient courses proposed in the Bill. There are for instance provisions for increasing the rates without really effecting any improvement in the facilities that the land enjoys. Also there are other provisions of the Bill which also have to be looked into, as, for instance, the provisions about compensation which require looking into very carefully. If I go into the details of the provisions with regard to compensation, I can show that in very many matters the provisions made are not adequate.

"As the hon. the Law Member has told us in the beginning of his speech that this is only a framework and he is not committed to everything in the Bill and that all matters can be gone into in the Select Committee and that he is not wedded to what is stated in the Bill, I do not think anything will be served by going into minute details just at present. But, Sir, in the main it will be necessary to say that the provisions relating to the award of compensation have given rise to suspicion in the minds of the ryotwari landholders and the zamindari landholders. So, that chapter will have to be very carefully looked into before it can assume a final shape in this Council.

"Then, Sir, there are provisions made for new works as well as for works already in existence. With reference to the new works, there is probably reason for some of the rules that are proposed to be made; but with regard to the old works also same provisions have been made. Now, Sir, the hon. the Law Member explained in his speech, that with reference to certain works certain rights will have to be taken over by the Government either by paying compensation in water or otherwise. But with reference to other rights whether it is necessary to leave out the stringent provisions in the Bill is another question to be gone into. I believe, Sir, I have stated sufficiently to show that the Bill as it stands is not likely to command the approbation of the people generally. The old Bill was even worse. This Bill at least has some improvements but the other one was even worse, and the gentleman who was in charge of the Bill was unbending and he was not prepared to give the assurance held out by the hon. Mr. C. P. Ramaswami Ayyar to-day.

"Then, Sir, with regard to the zamindars, a number of changes have been made in their favour. Probably, if there is anybody who ought to feel satisfied with the changes and who ought to co-operate with the Government in helping the passing of the Bill through the Council, I think it is they. It is unfortunate that they have not done so but they are still claiming more



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and more privileges. This is a Bill to help the country as a whole and I am afraid there is a misconception that the Bill is for the Government to protect their interests. It is not the case and if that misconception is kept on we cannot realize that it is for the sake of the people that the Bill has been introduced and has to be passed. Probably many such misconceptions will very soon vanish. After the change in the attitude of the Government, if there is a change in the conception of this measure in the minds of the people also, I have no doubt that we will be in a position to come to an amicable agreement on almost all the points, before the Bill reaches the final stage in this Council.

“I congratulate the hon. the Law Member on the excellent speech he has made and the very good impression he has been able to create in the minds of the Members and I do wish that this Bill will very soon be passed into law and be considered as a monument for the energy and for the ability its promoter has shown by that.”

4-45 p.m. Mr. S. ARPUDASWAMI UDAYAR :—“I heartily support the Bill that has been introduced by the hon. the Law Member. While doing so, I must in all fairness admit that what is really at the back of the mind of my Friend Mr. Narasimha Raju is that certain recommendations made by the Select Committee of which he was a member have not been given effect to by Government, either the Madras Government or the Government of India. I remember, Sir, that he was one of the most energetic Members of the Select Committee and there is also a memorandum appended to the report signed by him and Mr. Ramachandra Rao, the leader of the Opposition in the old Council. There was also another gentleman, a very energetic and ardent champion of the rights of the zamindars, viz., Mr. G. Venkataranga Rao. It might be that the recommendations made by these gentlemen, and also others were really governed by principles which they thought were very essential. It is left to them now to recollect what those recommendations were or if it is not possible for them to remember what those recommendations were, I am sure the hon. the Law Member will be in a position to state what those recommendations were which were submitted to the Government of India and how many of them were not accepted by them and why. As regards the question whether an Irrigation Bill is necessary, I think there is no difference of opinion in this Council, nor is there difference of opinion in the country or in the province. Many people have come to me—and I represent a constituency the majority of landholders in which are petty mirasidars—with requests that the projects held up for want of an Irrigation Bill should be of a nature to benefit them. They feel that all their labours very often bear no fruit and become unavailing because of the sudden stoppage of the flow of water in some channel or because they depend upon periodical showers. From Trichinopoly to Madura one can see dry lands where people are sinking wells with very great difficulty and irrigating dry lands. If showers fail they are driven to privation and misery. So as regards those ryots they are willing to contribute anything which would enable them to see some kind of channel constructed which will convey water to their fields. Already many have come to me and asked me to consult the hon. the Law Member and to see the Engineer in charge of Metur project and try to irrigate some portions of the Tanjore district which they fear fall outside the Metur project. Secondly, Sir, whether the present Bill or the Bill, in its present form is necessary is another question. Now here difference of opinion possibly may arise. Even these differences of opinion relate to three or four



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factors. Have the rights of the zamindars been adequately recognized and safeguarded? Have all the rights clearly defined and acknowledged by the decisions of the High Court and the Provincial Council been given effect to in this Bill? The hon. the Law Member has made a frank statement on that point, viz., that in certain clauses of the Bill he has actually incorporated and made use of the very language of the Urlam decision. The hon. the Law Member who has taken the trouble to embody the very language of the Urlam decision will be prepared to listen to the deputations of mirasidars and other ryotwari interests and also deputations led by our vakil friends who are expected to go into all the intricacies of law and disentangle all those intricate clauses which people fear might be interpreted prejudicially to the interests of the zamindars and the tenants. Secondly, there was an admission by the hon. the Law Member that the ryotwari interests have not been championed and upheld to the same extent, but have nevertheless been to the best of his ability safeguarded. This admission that very many did not seem to take up the championship or advocacy of the interests of the ryotwari landholders will be specially noted by the Members of this Council. I hope that now that the ryotwari landholders know that adequate representation has not been made they will supply the deficiency and enable the hon. the Law Member to meet their wishes satisfactorily and as fully as is compatible with the essential principles which form the groundwork of this Irrigation Bill and which are not opposed to the rights hitherto enjoyed and respected.

“Thirdly, as regards the complaint that the jurisdiction of the courts has not been sufficiently recognized, even there the hon. the Law Member has left it open to the members of the Select Committee and for the members of the Council representing the interests of the zamindari and ryotwari landholders to include this jurisdiction of courts in the several chapters or clauses whence it has been excluded.

“As regards the fourth complaint, viz., compulsory labour, even there the admission has been made by the hon. the Law Member that if a distinction has not been sought to be made between coolie labour and other kinds of labour, it was more with a view to avoid a certain kind of language than for really conferring any hardship upon the people. So if Members think that some distinction ought to be made between the labouring class and the non-labouring class they are quite welcome to introduce this distinction. On the whole, Sir, we are led to think that every honest endeavour and every sincere attempt has been made to meet the wishes of the Members of the Select Committee who represented various interests and that every attempt will be made to adequately safeguard the interests of the zamindars or ryotwari holders and of all those that will be affected by this Irrigation Bill if but proper representations are made and suitable amendments brought in.

“There is also another reason why I should urge that the Bill be taken up and made into law as soon as possible. That is the temper and disposition of the hon. the Law Member and solicitude manifested by him to meet the wishes of Members who represent different interests. That is an important asset. I think hon. Members will take full advantage of this excellent disposition and solicitude he has manifested and see that this Bill is so modified as to operate for the benefit of the vast majority of people. On these grounds I think the House will be unanimous in carrying the Bill.”

The hon. the President then called upon the hon. the Law Member to reply.



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have a catalogue of the several deviations from the old Bill which are of importance and which have been desired by that Committee. That Committee sat in April and May, and, taking the old Bill as the basis of the discussion, it practically went over all the sections suggesting amendments. With those amendments before it, there was a further discussion which from time to time was postponed owing to the exigencies of election engagements of the various Members, with the result that it met only in November last. So, the Bill that is now presented to us, though failing to satisfy the desires of the several interests in some matters, has to a great extent gone to satisfy those desires. In these circumstances, on the ground that it has not been published in the vernacular languages, applying for adjournment for one month only will not secure to that Bill or to those interested in the Bill or in such a measure any great advantage. For, nobody who has suggested this adjournment has also suggested that the Government should within this interval reshape or alter the Bill so as to meet any criticism that might be urged between now and the next month. The object not being that, there is no harm done in considering the question whether leave should be given at this meeting. No useful purpose will be served by putting it off for one month or six months. As for six months' adjournment, as has been pointed out by the hon. Member in charge of the Bill, it might be for the consideration of the rejection of the Bill, and as for one month's adjournment there will be no useful purpose served at all. I find that he has given an assurance that he would not hurry up the stages of this Bill. Sufficient time will be given for publication in all the vernacular languages and for receiving representations from all persons interested inside this House and outside this House. It may be necessary to receive representations from lawyers. I think it would do well not to seek this adjournment.

"Moreover, there is one feature in the history of this Bill. A Select Committee, so to say, has sat over this Bill, which had a hand in shaping this Bill, though not every portion that was wanted to be altered has been properly dealt with. There will be another Select Committee consisting of Members of this House which contains a number of new Members. I expect a number of new Members who happen to have come into this Council to be included in the Select Committee whose advice it will be an advantage and a privilege to have in the shaping of this Bill in the Select Committee. I have no doubt that others outside the Council will give their evidence or suggestions as witnesses before the Select Committee. For these reasons, I do oppose the application for adjournment."

Mr. C. RAMALINGA REDDI :—"I move for a closure."

The hon. the PRESIDENT :—"I am not for putting the motion for closure just yet for this reason. There are two motions for adjournment before the House and I expect that Members opposed to the Bill will be ranged on the side of either of these motions. They are as it were a little stick and a big stick with which to beat the Bill. If hon. Members desire that the discussion should be continued after these motions have been disposed of, I have no objection, but ordinarily, I should say, the discussion of these adjournment motions should leave little room for prolonged discussion of the main motion in case they both fail."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"As a matter of fact, if I may venture to say, I shall be obliged to the various Members who have been